



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 17 1994

OFFICE OF  
AIR AND RADIATION

MEMORANDUM

SUBJECT: Asbestos NESHAP Applicability Determination Regarding Residential Properties

FROM: John B. Rasnic, Director *John B Rasnic*  
Stationary Source Compliance Division  
Office of Air Quality Planning and Standards

TO: Winston A. Smith, Director  
Air, Pesticides & Toxics Management Division  
Region IV

This is in response to your memorandum, dated January 24, 1994, requesting that the Stationary Source Compliance Division (SSCD) make an applicability determination concerning the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) for non-profit agencies performing renovation and demolition of single family homes.

An owner or operator of demolition or renovation activity is defined, in 40 CFR 61.141, as "any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both." The definition does not exempt a non-profit agency from the requirements of the NESHAP. Therefore, if the non-profit agency renovates or demolishes any regulated "facility", as defined in 40 CFR 61.141, then that non-profit agency must follow 40 CFR 61.145, the "Standard for demolition and renovation" and any other applicable NESHAP requirements.

Specifically on the issue of single family homes, the Office of General Counsel, the Office of Enforcement, and the Office of Air Quality Planning and Standards are involved in a review of the requirements of the asbestos NESHAP as it applies to demolitions of single-family homes. We intend to clarify our position with an amendment to the asbestos NESHAP.

If you have any questions, please contact Tom Ripp of my staff at (703) 308-8729.

cc: Regional Asbestos NESHAP Coordinators